

THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA

IN THE MATTER OF:)
)
United States Of America) Case No. 09-010
) Complaint
) Violation of Title 18 U.S.C.
 v.) Section 2250
)
STEVEN LEMON)

Before Honorable Judge LOUIS MOORE JR., United States
Magistrate Judge for the Eastern District of Louisiana, appeared
the undersigned, who on oath deposes and says:

COUNT 1

(18 U.S.C. 2250)

(Failure to Register as a Sex Offender)

Between on or about October 10th 2007, through present, in
the Eastern District of Louisiana, STEVEN LEMON, an individual
required to register under the Sex Offender Registration and
Notification Act, who traveled in interstate commerce, did
knowingly fail to register as required by the Sex Offender
Registration and Notification Act, all in violation of Title 18,
United State Code, Section 2250.

STATUTORY AUTHORITY

This investigation concerns alleged violations of Title 18,
United States Code, § 2250-certain activities relating to failing
to register under the Sex Offender Registration and Notification
Act.

Title 18, United States Code § 2250 states that:

Whoever,

- 1) is required to register under the Sex Offender Registration and Notification Act;
- (2)(B)... travels in interstate or foreign commerce...
- (3) knowingly fails to register or update registration as required by the Sex Offender Registration and Notification Act.

Section 113 of the Adam Walsh Act defines who is required to register under the act.

(A) In General - A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is employed, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(2) Keeping Registration Current - A sex offender shall, not later than 3 business days after each change of name, residence, employment or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry...

Section 111 of the Adam Walsh Act defines Sex Offender as:

(1) Sex Offender - The term "sex offender" means an individual who was convicted of a sex crime.

The Act further defines "sex offense" as:

(5)(A) Generally - ... the "sex offense" means-

- (i) a criminal offense that has an element involving a sexual act or sexual contact with another...
- (ii) a criminal offense that is specified against a minor...

(6) The term "criminal offense" means a state, local, tribal, foreign, or military offense...

The California statute description of California Law 288(a) defines "Lewd and lascivious act as:

228(a) Any person who willfully and lewdly commits any lewd and lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six or eight years.

STATEMENT OF FACTS

I, Gerald M. Dysart, being duly sworn, do hereby depose and state:

I am a Criminal Investigator Deputy US Marshal with the United States Marshals Service assigned to the New Orleans office and I have been a so assigned since January of 1993. I am currently assigned to investigate unregistered sex offenders in relation to violations of Title 18, United States Code (USC) Section 2250 which makes it illegal for a convicted sex offender with a current requirement to register, to knowingly cross a state line for the purpose of establishing residence, employment or attending school, and not register in that state. I have made arrests and conducted searches pertaining to these types of investigations on previous occasions. Prior to investigating these violations of the Adam Walsh Act, I have investigated federal crimes to include escape, gun and drug violations as well as threats against the judiciary.

1. This affidavit is made in support of a criminal complaint charging STEVEN LEMON with failure to register, in violation of Title 18 U.S.C. Section 2250.

2. The statements in this affidavit are based in part on information provided by Detectives of the San Diego, California Police Department Sex Offender Registration Unit, the San Diego County, California District Attorneys' Office, Detectives of the New Orleans Police Department Sex Offender Registration Unit and on my own experience and background as a Sex Offender Investigations Coordinator and Criminal Investigator Deputy United States Marshal.

BACKGROUND OF INVESTIGATION

3. Criminal records from the State of California indicate that August 30, 2000, STEVEN LEMON was convicted in the Superior Court of California, County of San Diego of two counts of California Penal Code 288(A), pertaining to lewd and lascivious acts with a child under 14 years old. STEVEN LEMON was sentenced to 349 days time served, and 5 years of formal probation, to end on 08/29/2005. The sentencing document directs LEMON to register per Penal Code section 290. This Penal Code establishes the requirement to register as a sex offender in the State of California. According to this code STEVEN LEMON has a lifetime registration requirement in the State of California for this conviction.

4. After STEVEN LEMON was released from the California Penal system, San Diego Police Department records indicate that LEMON reported to the Sex Offender Registration Unit on 09/28/2000, where he filled out sex offender Registration Change of Address/Annual Update form, also known as an SS-8102S form, in accordance with California Penal Code section 290. STEVEN LEMON subsequently filled out this form on at least fifteen occasions between 09/28/2000 and 05/03/2007. Each time, STEVEN LEMON initialed, signed, dated and gave a right thumb print on the form indicating that he read and understood his requirements to register as a sex offender. Each of these fifteen registrations included the acknowledgments by LEMON: that he was required to register for life, that he must notify the registered jurisdiction if he were to leave that jurisdiction within 5 working days of moving to the new address or location and that "If I move outside of California, I am required to register in the new state within ten (10) working days". LEMON also acknowledges on nine of the fifteen forms that "If I attend school or am employed in another state, I must register with the law enforcement agency in the state having jurisdiction over the school or employment location, in addition to registering in my state of residence".

5. According to Detective Jim Ryan with the San Diego Police Departments Sex Offender Registration Unit, STEVEN LEMONS'

last registration was a "change of address" registration, signed by LEMON on 05/03/2007. By California law this would require LEMON to provide his next registration update on his birthday, April 18, 2008. According to Detective Ryan, STEVEN LEMON did not update his registration on that date, thus putting him in violation of his requirements to register in the State of California.

6. Subsequently a compliance check was conducted on May 10th 2008, by the San Diego Police Department at the last registration address STEVEN LEMON provided, at 950 South 26th Street, San Diego, CA, 92113. It was determined by the officer that 950 was a bad address and that LEMON actually had lived at 940 26th Street, San Diego, CA, 92113. The landlord stated that LEMON no longer lived there and provided no forwarding address.

7. In September of 2008, Joe Green of the San Diego County District Attorneys Task Force conducted a database search of STEVEN LEMON's 1994 silver TOYOTA pickup truck, with VIN number 4TARN81A6RZ162525 and determined that LEMON had registered the vehicle on October 11, 2007, at 2249 Carondelet St. New Orleans, LA. Green subsequently contacted Detective Ray Hughes of the New Orleans Police Departments Sex Offender Registration Unit to notify them that STEVEN LEMON may be living in New Orleans, Louisiana unregistered.

8. On 09/17/2008, Detective Hughes confirmed through DMV records that STEVEN LEMON had registered his 1994 silver TOYOTA pickup truck, VIN number 4TARN81A6RZ162525 in Louisiana on 10/10/2007 and received Louisiana License plate number X203054. The registration address was listed as 2249 Carondelet Street, New Orleans, Louisiana.

9. On 09/17/2008, Detective Hughes confirmed through the Louisiana State Sex Offender Registry that STEVEN LEMON was not registered anywhere in the State of Louisiana as a sex offender.

10. On 12/04/2008, A Federal Grand Jury subpoena was returned from Entergy Services Inc. These records indicate that STEVEN LEMON, Social Security number XXX-XX-8505, established electricity and gas service on 12/27/2007 at 4545 Urquhart St. Apt. C. STEVEN LEMON then terminated service at that address on 09/17/2008, and re-established service on 10/07/2008 at 1132 Carondelet St. Apartment #14, New Orleans, LA.

11. On 12/09/2008, A Federal Grand Jury subpoena was returned from FISK Inc., an electrical contracting company based in southeast Louisiana. There records indicate that STEVEN LEMON was steadily employed by FISK Inc. in the State of Louisiana, beginning on September 25th, 2007, through December 26th, 2007, when he was temporarily laid off. LEMON was subsequently re-hired on January 23rd, 2008 and has been steadily employed by FISK Inc. on a weekly basis to date in the State of Louisiana.

12. On December 11th, 2008, the Affiant conducted surveillance of 1132 Carondelet St. New Orleans, Louisiana. The Affiant observed the silver 1994 Toyota pickup truck with Louisiana license number X203054, belonging to STEVEN LEMON parked backed into a parking spot directly in front of 1132 Carondelet Street, Apartment #14, New Orleans, Louisiana.

13. Based on the facts set forth in this affidavit, the Affiant believes probable cause exists to charge STEVEN LEMON with violation of Title 18 United States Code § 2250: failure to register as a sex offender in the State of Louisiana and having traveled from the State of California, where he was convicted of lewd and lascivious acts with a child under 14 years old, and where he was last registered, but failed to comply since April 18th, 2008.

14. Your Affiant, therefore, respectfully requests that the attached warrant be issued authorizing the arrest of STEVEN LEMON.

GERLAD M. DYSART
Criminal Investigator
Deputy US Marshal

Subscribed and sworn to before me
this _____ day of _____, 2009.

LOUIS MOORE, JR.
United States Magistrate